

ORDINANCE NO.46-397

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION AND WIDENING OF KELLOGG AVENUE IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for street improvements to Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

A portion of Lot 1, Block 1, Sharon Ryan Addition to the City of Wichita, Sedgwick County, Kansas described as beginning at the southwest corner of said Lot 1; thence northerly along the west lot line to the corner of said Lot 1; thence northeasterly along the northwest lot line of said Lot 1 to a point 42 feet from the corner of Lot 1; thence southerly to a point along the south line of said Lot 1, a distance of 25 feet east of the southwest corner of Lot 1; thence westerly along the south lot line of Lot 1 to the point of beginning.

A portion of the North 20 feet of Lot 3, Lot 4 and adjacent vacated alley in Clemons Addition to Wichita, Sedgwick County, Kansas described as beginning at the northwest corner of said Lot 4; thence southerly along the west lot line of said Lot 4, vacated alley and Lot 3 to a point 20 feet south of the northwest corner of Lot 3; thence easterly parallel to the north lot line of said Lot 3 to a point 8 feet from the west lot line of Lot 3; thence northwesterly to a point on the north lot line of said Lot 4, said pint being 3.9 feet east of the northwest corner of Lot 4; thence westerly along the north lot line of Lot

4 to the point of beginning.

A temporary construction easement for driveway and road construction in and to the following-described tracts, to-wit:

A portion of the North 20 feet of Lot 3, all of Lot 4 and adjacent vacated alley in Clemmons Addition to Wichita, Sedgwick County, Kansas described as beginning at the northwest corner of said Lot 4; thence easterly to a point along the north line of Lot 4, a distance of 3.9 feet from the northwest corner and being the point of beginning; thence southerly to a point 20 feet south and 8 feet east the northwest corner of Lot 3; thence easterly parallel to the north lot line of Lot 3 to a point 14 feet from the west lot line of Lot 3; thence northerly to a point along the north lot line of Lot 4, a distance of 10.9 feet east of the northwest corner of Lot 4; thence westerly along the north lot line of Lot 4 to the point of beginning.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 9th day of November, 2004.

CITY OF WICHITA

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law